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9 Attorneys for Plaintiff

10 UNITED STATES DISTRICT COURT
11 NORTHERN DISTRICT OF CALIFORNIA
12 SAN FRANCISCO DIVISION

13 UNITED STATES OF AMERICA,

14 Plaintiff,

15 v.

16 ANTONIO MELENDEZ-TORRES,
aka Antonio Torres Melendez,

17 Defendant.
18

No. 3-06-70306 EDL

~~PROPOSED~~ ORDER AND
STIPULATION EXTENDING TIME
UNDER RULE 5.1 AND EXCLUDING
TIME UNDER THE SPEEDY TRIAL ACT

19 The parties stipulate and agree, and the Court finds and holds, as follows:

20 1. The parties appeared on the instant matter May 18, 2006 in front of the Honorable
21 Elizabeth D. Laporte for defendant's initial appearance on the complaint. On May 18, 2006, the
22 matter was continued to June 6, 2006 for a detention hearing and to set an arraignment /
23 preliminary hearing. On June 6, 2006, the parties appeared in front of the Honorable Maria-
24 Elena James, and the matter was continued to June 16, 2006 for detention hearing and to set an
25 arraignment / preliminary hearing.

26 2. On June 6, 2006, Assistant Public Defender Steven G. Kalar, who represents the
27 defendant, requested an exclusion of time from June 6, 2006 to June 16, 2006, based on effective
28 preparation and continuity of counsel. The defendant agreed to an extension of time for the

FILED

JUN 19 2006

RICHARD W. WIEKING
CLERK, U.S. DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

1 preliminary hearing under Federal Rule of Criminal Procedure 5.1(d) and an exclusion of time
2 under the Speedy Trial Act. The parties are involved in discussions which appear likely to lead
3 to pre-indictment resolution of this case. Therefore, the parties are requesting an extension of
4 time under Rule 5.1(d) and an exclusion of time under the Speedy Trial Act. The parties agree
5 that the time from June 6, 2006 to June 16, 2006 should be extended under Rule 5.1(d) and
6 excluded in computing the time within which an information or indictment must be filed. See 18
7 U.S.C. § 3161(h)(8)(A) and (B)(iv).

8 3. In light of the foregoing facts, the failure to grant the requested exclusion would
9 unreasonably deny counsel for the defense the reasonable time necessary for effective
10 preparation, taking into account the exercise of due diligence. See id. The ends of justice would
11 be served by the Court excluding the proposed time period. These ends outweigh the best
12 interest of the public and the defendant in a speedy trial. See id. § 3161(h)(8)(A).

13 4. For the reasons stated, the time period from June 6, 2006 to June 16, 2006 is extended
14 under Rule 5.1(d) and excluded from the calculation of time under the Speedy Trial Act, 18
15 U.S.C. § 3161(h)(8)(A).

16
17 IT IS SO STIPULATED.

18
19 DATED: _____

Respectfully Submitted,

20
21 /S/

NAHLA RAJAN
Special Assistant United States Attorney

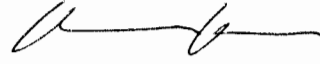
22
23 DATED: _____

/S/

STEVEN G. KALAR
Counsel for Antonio Melendez-Torres

24
25 PURSUANT TO STIPULATION, IT IS SO ORDERED.

26
27 DATED: 6/19/06

28  NANDOR V ADAS
HONORABLE MARIA-ELENA JAMES
United States Magistrate Judge